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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MEELAD DEZFOOLI,
Plaintiff,

vs.

LIBERTY MUTUAL AUTO AND HOME
SERVICES, LLC., dba LM GENERAL
INSURANCE COMPANY dba LIBERTY
MUTUAL INSURANCE, a Foreign Limited
Liability Company; DOES 1-10; and ROE
Entities 11 through 20, inclusive jointly and
severally,

Defendants.

Case No.: 2:23-cv-00733-MMD-BNW

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LR 26-1
(REVISED)**

Plaintiff Meelad Dezfooli and Defendant Liberty Mutual Auto and Home Services, LLC., through their respective counsel, in accordance with Rule 26 of the Federal Rules of Civil Procedure, with Rule 26.1 of the Local Rules of the United States District Court, District of Nevada, hereby submit their Revised Stipulated Discovery Plan and Scheduling Order for the Court's approval. The parties met and conferred via phone on June 5, 2023.

INFORMATION PURSUANT TO LR 26-1 AND FRCP 26(f)

1. Discovery Cut-Off Date: Estimate of Time Required for Discovery (LR 26-1(b)(1); Fed. R. Civ.P. 16(b)):

LR 26-1(b)(1) requires all discovery to be completed within one hundred and eighty days

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(180), however an answer has not yet been filed. The first-appearing defendant, Liberty Mutual Auto and Home Services, LLC., filed a Motion to Dismiss on May 17, 2023. The parties anticipate a high number of medical providers, as well as expert witnesses, and extensive depositions of these persons.

In accordance with Local Rule 26-1(b)(1), one hundred eighty (180) days from May 17, 2023, places the discovery cut-off date on **Monday, November 13, 2023.**

2. **Amendment of Pleadings and Additions of Parties (LR 26-1(b)(2), Fed. R. Civ. P. 15(a)):**

In accordance with Local Rule 26-1(b)(2), the last day to file motions to amend pleadings or to add parties would be **Tuesday, August 15, 2023.** (90 days prior to November 13, 2023).

3. **Disclosure of Expert Witnesses (LR 26-1 (b)(3); Fed. R. Civ. P. 26(a)(2)(C)(i)):**

In accordance with Local Rule 26-1(b)(3) modifying Fed. R. Civ. P 26(a)(2), the last day to disclose experts shall be **Thursday, September 14, 2023,** (60 days prior to November 13, 2023). The last day to disclose rebuttal experts would be **Monday, October 16, 2023** (30 days after December 14, 2023).

4. **Dispositive Motion (LR 26-1(b)(4); Fed. R. Civ. P. 56):**

In accordance with Local Rule 26-1(b)(4) and Fed. R. Civ. P. 56, the last day to file dispositive motions shall be **Wednesday, December 13, 2023.** (30 days after November 13, 2023).

5. **Pretrial Order and Disclosures (LR 26-1(b)(5) and LR 26-1(b)(6); Fed. R. Civ. P. 26(a)(3)(B) and Fed. R. Civ. P. 26(a)(4)):**

In accordance with Local Rule 26-1(b)(5), the last day to file the Joint Pretrial Order (including the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereof) shall be **Friday, January 12, 2024** (30 days after December 13, 2023). In the event that dispositive motions are filed, the deadline for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.

6. **Certification of Alternative Dispute Resolution (LR 26-1(b)(7)**

The Parties hereby certify that they met and conferred about the possibility of using alternative dispute-resolution (ADR) processes, including mediation and arbitration. Plaintiffs' counsel indicated a willingness to consider requesting a settlement conference or seeking other mechanisms to settle this matter, indicating that early resolution could help avoid the unnecessary accumulation of fees. Counsel for Defendants indicated that Defendants are also willing to consider

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an appropriate informal resolution of this matter after initial discovery.

7. Certification of Alternative Forms of Case Disposition (LR 26-1(b)(8); Fed R. Civ. P. 73)):

The Parties hereby certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General Order 2013-01), but do not agree to have this trial heard by a magistrate judge nor do they agree to participate in the Short Trial Program.

ADDITIONAL INFORMATION SUBMITTED PURSUANT TO FED. R. CIV. P.26

1. Timing of Initial Disclosures (Fed. R. Civ. P. 26(f)(3)(A)):

Pursuant to Fed. R. Civ. P. 26(a)(1)(C), initial disclosures are due within fourteen (14) days of June 5, 2023, the date that the Rule 26(f) conference was conducted in this case.

2. Discovery Subjects and Phasing (Fed. R. Civ. P. 26(f)(3)(B)):

Plaintiff intends to seek discovery on the following subjects:

- The incident detailed and/or alleged in the Complaint and responsive pleadings;
- Pertinent policies, practices, and training;
- How the subject claim was evaluated and handled
- Damages.

Defendant intends to seek discovery on the following subjects:

- The circumstances of the subject accident;
- Plaintiff's medical specials and claimed injury/injuries;
- Plaintiff's pre-existing medical condition;
- Plaintiff's future medical specials, if any.

It is the parties' view that discovery need not be conducted in phases, nor be limited to or focused on particular issues.

3. Issues Regarding Electronically Stored Information (Fed. R. Civ. P. 26(f)(3)(C)):

The parties intend to further discuss and review the production of ESI. The parties intend to present evidence in electronic format to jurors for the purposes of jury deliberations.

4. Procedures for Asserting Privilege or Work Product Protections; Other Orders (Fed. R. Civ. P. 26(f)(3)(D); Fed. R. Civ. P. 26(f)(3)(F)):

None.

5. Changes Made to Limitations on Discovery (Fed. R. Civ. P. 26(f)(3)(E)):

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It is the parties' current view that changes are not necessary, and that the parties should proceed to engage in and supplement all discovery as permitted under the Federal Rules of Civil Procedure and the Local Court Rules, including Depositions, Interrogatories, Requests for Production of Documents, and Requests for Admissions.

6. Extensions or Modifications of the Discovery Plan and Scheduling Order (LR 26-3):

In accordance with Local Rule 26-3, any request for an extension of this discovery plan or any of the individual dates herein shall be filed and served no later than twenty-one (21) days before the expiration of the subject deadline. Any motion of stipulation shall include:

- a) A statement specifying the discovery completed;
- b) A specific description of the discovery that remains to be completed;
- c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and
- d) A proposed schedule for completing all remaining discovery.

IT IS SO STIPULATED.

Dated this 27th day of June, 2023.

RUIZ LAW FIRM

/s/ Lawrence Ruiz

 LAWRENCE RUIZ, ESQ.
 Nevada Bar No. 11451
 1055 Whitney Ranch Drive, Suite 110
 Henderson, NV 89014
Attorney for Plaintiff

Dated this 27th day of June, 2023.

MCCORMICK, BARSTOW, SHEPPARD,
 WAYTE & CURRTH, LLP.

/s/ Stacy Norris

 JONATHAN W. CARLSON, ESQ.
 Nevada Bar No. 10536
 CHERYL A. GRAMES, ESQ.
 Nevada Bar No. 12752
 STACY NORRIS, Esq.
 Nevada Bar no. 15445
 8337 W. Russell Road, Suite 350
 Las Vegas, NV 89113
Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated this 28th day of June, 2023.



 U.S. DISTRICT COURT MAGISTRATE JUDGE

Tammy Wagner

From: Stacy Norris <Stacy.Norris@mccormickbarstow.com>
Sent: Tuesday, June 27, 2023 11:15 AM
To: Lawrence Ruiz; Tammy Wagner
Cc: Jonathan Carlson; Cheryl Schneider; Christi Colucci
Subject: FW: Activity in Case 2:23-cv-00733-MMD-BNW Dezfooli v. Liberty Mutual Auto and Home Services, LLC Order on Discovery Plan and Scheduling Order
Attachments: Revised Proposed Joint Discovery Plan and Scheduling Order - SN Edits.DOC

Hi Lawrence and Tammy,

If you approved my changes to the discovery period, you have my approval for e-signature on the amended discovery plan for the Court.

Thank you!

Stacy Norris

Stacy Norris
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From: Stacy Norris
Sent: Wednesday, June 21, 2023 4:05 PM
To: Lawrence Ruiz <lawrence@lmruizlaw.com>; Tammy Wagner <Tammy@lmruizlaw.com>; Jonathan Carlson <Jonathan.Carlson@mccormickbarstow.com>; Cheryl A. Grames <Cheryl.Grames@mccormickbarstow.com>
Cc: Cheryl Schneider <Cheryl.Schneider@mccormickbarstow.com>; Christi Colucci <Christi.Colucci@mccormickbarstow.com>
Subject: FW: Activity in Case 2:23-cv-00733-MMD-BNW Dezfooli v. Liberty Mutual Auto and Home Services, LLC Order on Discovery Plan and Scheduling Order

Hi Lawrence and Tammy,

It looks like unfortunately the Court was not pleased with our request for a 270-day discovery period, which is not surprising since we have been seeing this a lot. If you are amenable to any necessary stipulated extensions to these deadlines as we go, we are okay with a 180-day deadline and see what is need as we progress.

Attached please find a revised version of the final discovery plan, with a 180-day discovery period, and with some edits to cite to the proper local rules.

Please let me know your thoughts or edits, or if I miscalculated any of the deadline dates.